



Accessory Second Dwelling Unit Procedural Guide

Version: July 19, 2007

1. General Information

State law (Government Code §65852.2) mandates that second units be allowed in single-family neighborhoods without approval of a conditional use permit or other noticed discretionary action. In order to comply with this State law, the City Of Chula Vista has adopted Municipal Code Section 19.58.022 – Accessory Second Dwelling Units. Section 19.58.022 contains all the criteria for Accessory Second Dwelling Units (ASDU) as self-contained housing units that are secondary to the main residence. The intent of the City in allowing Accessory Second Dwelling Units is to provide for a range of housing types that is affordable to all segments of the community. This procedural guide explains the necessary steps to obtain a building permit for an Accessory Second Dwelling Unit.

Attached to this guide is a glossary of the terms used in Section 19.58.022. Some of the notable requirements of the section are:

- Accessory Second Dwelling Unit can have a maximum size of 650 square feet or 750 depending on the available lot area.
- The size of an ASDU will be determined by the size of the lot's "buildable pad area", which is the flat area of the lot and areas with slopes less than 50% (2:1). The original buildable pad area of a lot may not be increased by more than 20% through grading or use of retaining walls. Lots less than 5,000 square feet or with less than 5,000 sq. ft. of buildable pad area may not have an ASDU.
- Accessory Second Dwelling Units can be attached above, behind or below the primary residence, or, on larger lots, can be a detached single story unit behind the primary residence.
- The ASDU must be located and designed to be architecturally compatible with the existing home and not have a negative impact on adjacent homes.
- The subject property must be capable of providing screened on-site parking and private useable open space for both units.
- The property owner must live in one of the units that will exist on the lot.

It should be noted that the City requires the correction of certain nonconforming situations in conjunction with the construction of a new ASDU. "Nonconforming situation" means lawfully constructed structures or established uses on a property that met prior planning and building codes, but due to changes in the law or circumstances on the ground, no longer comply with current regulations. Structures that were unlawfully built (e.g. no building permit issued) must also be brought into conformance with current building codes or be removed. Property owners are advised to retain a qualified person (e.g., a State licensed/certified architect or civil engineer) who can determine whether existing structures comply with current building and zoning code standards before applying for a building permit for an ASDU. This is a benefit to you as the property owner and the City, ensuring that the primary dwelling and other existing structures are safe and meet current building and zoning standards.

2. Steps to Obtaining Approval of an Accessory Second Dwelling Unit

The following list is provided to allow you to check off each step after the applicable actions have been taken. You are encouraged to retain the services of an architect, civil engineer or other State-licensed/certified professional who can complete much of the following for you:



Accessory Second Dwelling Unit Procedural Guide – Page 3 of 6

- **Lot Coverage** - The ASDU and all other structures on the lot shall not exceed the lot coverage of the underlying zone, and cannot occupy more than thirty percent of the required rear yard (§19.58.022.C.6).
- **Access and Parking** – The ASDU and primary residence shall meet the following requirements:
 - On-site parking shall be provided according to the following (§19.58.022.C.7.a):
 - One standard sized (9' X 19') parking space for a studio, one- or two-bedroom unit; or
 - Two standard sized spaces for units with three or more bedrooms.
 - The off-street parking space(s) shall be on the same lot as the ASDU and is in addition to the parking requirement for the main dwelling unit. (§19.58.022.C.7.b)
 - If converting the garage of the primary residence for an ASDU, or no garage currently exists, a new garage must be provided. As part of the conversion any unnecessary driveway must be removed. (§19.58.022.C.7.c)
 - Access to required parking must be by street, alley or dedicated access easement. Access provided by a "panhandle" or an access easement must be a minimum 20 feet in width. (§19.58.022.C.7.d)
 - An existing driveway serving the primary residence may also serve as access to the ASDU parking space(s) if there is at least 50 feet in length from back of public sidewalk to the front of the primary residence, use of the driveway will not interfere with access to the primary residence's garage or parking spaces, and it is clear of any utility poles, meter guard rails or posts. (§19.58.022.C.7.f & g)
 - The ASDU parking space must be screened from public view with a fence, wall or landscaping acceptable to the Zoning Administrator. (§19.58.022.C.7.i)
 - A required parking space that is located between walls, or between a wall and a fence, must be a minimum 10 feet in width. If a required pedestrian walk passes along the side of this type of required space, the minimum width must be 12 feet.
- **Nonconforming Situations** – Except for the placement of the original primary residence, any nonconforming situations will have to be corrected at the time an ASDU is added to the property. This may impact parking, subsequent additions to the primary residence, or other accessory structures or uses on the site. (§19.58.022.C.8)
- **Utilities** - The accessory second dwelling unit must be served by the same water and sewer services that serve the primary dwelling unit. A separate electric meter and address may be provided for the accessory second unit (§19.58.022.C.9).
- **Design Standards** – To minimize the visual impact of an ASDU on the single family character of a neighborhood, the following list of design criteria has been included within §19.58.022:
 - The proposed ASDU must match the architectural style and materials of the primary residence in at least the following areas (§19.58.022.C.11.a):
 - Window and door type, style, design and treatment;
 - Roof style, pitch, color, material and texture;
 - Roof overhang and fascia size and width;
 - Attic vents color and style;
 - Exterior finish colors, texture and materials.
 - The entrance to the ASDU shall be located so as not to be clearly visible from the street providing access to the primary residence. (§19.58.022.C.11.b)
 - The primary residence shall retain or be provided a private rear yard open space area equal to 50% of the rear yard required by the underlying zone. This space must be directly



Accessory Second Dwelling Unit Procedural Guide – Page 5 of 6

- ☐ Cross Sections
- ☐ Structural Framing Plans & Details
- ☐ Floor plans of all existing and proposed structures on the lot
- ☐ A set of color pictures clearly showing the architectural style and types of building materials used for all four sides of the existing primary residence.
- ☐ A copy of a grant deed, title report or other information necessary for the Planning Division to verify that the applicant is the owner/occupant of the existing primary residence.
- ☐ If the second unit is to be **attached** to the primary residence, Form 4611 New Single & Multi-Family Worksheet (attached), and Form 4597, Request To Waive Soils Investigation Report (attached), must be submitted with the building permit application.
- ☐ If the second unit is to be **detached** from the primary residence, Form 4611 and a certificate from a California registered geotechnical engineer stating that the site meets grading and soils requirements are required.

Two copies of:

- ☐ Title 24 Energy Compliance Documentation (Certificate of Compliance Sheets shall be reproduced on actual plan sheets)
 - ☐ Structural Calculations (If non-conventional framing)
 - ☐ Engineered truss layout & Details (If roof/floor trusses are used)
 - ☐ Single line diagram for electrical series over 200 amps
 - ☐ Owner and/or owner's representative contact information
 - ☐ A separate set of precise grading plans must be submitted to the City Engineer if the scale of grading and/or excavating exceeds the criteria specified in Form 5516 – "Limits to Grading Without A Permit",.
- ☐ **Step 4:** At the time the plans for an ASDU building permit are submitted, the applicant will be given an agreement prepared by the City describing the use and occupancy requirements that will be applicable to the property. Once the plan check process is complete and the building permit is ready to be issued, the property owner must have returned this agreement, properly signed and notarized, to the Planning and Building Department along with a check made out to the County Recorder. The County Recorder's fee for recording the agreement is currently \$17 for a four (4)-page document, plus \$3 for each additional page. The City of Chula Vista will take care of recording this agreement with the title to the property.



**Accessory Second Dwelling Unit
Property Owner Agreement Form**

Version: July, 2007

Attached is the agreement for an Accessory Second Dwelling Unit (ASDU) that must be recorded on the title to any property once a building permit for an ASDU is issued. The property owner or their representative will be given this agreement at the time an application for a building permit is submitted. The property owner is responsible for filling out this agreement and taking it to a notary public to have their signature notarized.

Once the ASDU plans have been checked and City staff is ready to issue a building permit, this agreement must be returned to the Planning & Building Department with a separate check made out to the "County Recorder" for the recording fee. The fee for recordation is currently \$17 for a four-page document. Some properties with long legal descriptions may require additional pages that will add \$3 to the recording fee for every additional page necessary.

City staff will be able to issue the ASDU building permit at this point and the property owner will be able to begin construction while the City of Chula Vista City Clerk is recording the agreement.

RECORDING REQUESTED BY

City of Chula Vista
City Clerk
276 Fourth Avenue
Chula Vista, CA 91910

*This document benefits the property owner.
Recording fees are required.*

ABOVE SPACE FOR RECORDER'S USE ONLY

APN: _____

AGREEMENT FOR AN ACCESSORY SECOND DWELLING UNIT

THIS Agreement is made and entered into between the City of Chula Vista, a municipal corporation [the City], and _____
[Owner] [Parties] to construct and maintain an accessory second dwelling unit on Owner's hereinafter described real property.

Owner's real property is legally described as

and is commonly referred to as _____
[Property].

Owner desires to construct an accessory second dwelling unit as defined by the City in Chula Vista Municipal Code (CVMC) Section 19.58.022. In consideration of the permission granted by the City by the issuance of a building permit to construct an accessory second dwelling unit, I/we hereby agree that:

1. I/We are the owner(s) and occupant(s) of the existing (or to be constructed concurrently) primary residence located on the Property.
2. I/We shall continuously occupy either the primary unit or the accessory second dwelling unit as long as the unit that is not owner occupied is used or maintained as a separate dwelling unit. I/We will discontinue the residential use of the accessory second dwelling unit during any time that owner occupancy of the Property ceases, except as may be otherwise permitted by CVMC Section 19.58.022.C.15.
3. No other accessory living quarter, whether legally or illegally established, does now or shall ever exist on the Property.

4. No expansion of the accessory second dwelling unit or the primary dwelling unit shall occur, nor shall any other work on the Property be done that requires a ministerial or discretionary permit without first obtaining the required permit(s) from the City.
5. I/We will abide by all the requirements and standards of CVMC Section 19.58.022 which is incorporated herein by reference as it exists on the date of this agreement.

This Agreement shall run with the land for the life of the accessory second dwelling unit for the protection and benefit of the Parties concerned. If fee title to the Property or any partial interest therein is conveyed to any other person, firm, or corporation, the conveying instrument shall contain a restriction referencing this Agreement or restrictive language consistent with this Agreement. Any violation of this Agreement is grounds for the City, pursuant to CVMC Chapter 1.40, to revoke the use of the second unit for residential purposes, and may result in enforcement actions including penalties being imposed upon the Owner as prescribed in CVMC Chapter 1.20 and Chapter 1.41.

THE CITY OF CHULA VISTA

PROPERTY OWNER(S)

By _____

By: _____

Printed Name: _____

Printed
Name(s): _____

Title: Zoning Administrator

Date: _____

Date: _____

NOTE: OWNER'S SIGNATURE MUST BE NOTARIZED

STATE OF CALIFORNIA)
) S.S.
COUNTY OF SAN DIEGO)

On the __th day of _____, 2007, before me, the undersigned, personally appeared _____, personally known to me to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

City of Chula Vista

CITY CLERK

(SEAL)